



DOCKET NO: 209466US6PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
RYUJI ISHIGURO, ET AL. : EXAMINER: AL HASHEMI, SANA A.
SERIAL NO: 09/869,164 :
FILED: JUNE 25, 2001 : GROUP ART UNIT: 2164
FOR: CONTENTS DATA :
MANAGEMENT METHOD :

REPLY BRIEF UNDER 37 CFR §41.41

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The present Reply Brief is presented in order to point out and respond to the erroneous assertions and arguments raised in the Examiner's Answer (hereinafter EA) mailed on July 18, 2006, in the above-identified application.

A. EXAMINER MISCONSTRUES THE CLAIMED "USING CONDITION
INFORMATION"

Claim 26 recites, *inter alia*, "a receiver configured to receive said using condition information described in first format, **the using condition information indicating usage rules corresponding to the content data...**" (emphasis added). The Examiner erroneously concludes that "using condition information" is defined "as a way of securing data before the data can be downloaded to a user in order to control the number of times a file can be accessed by a specific user."¹ Applicants submit that the claim limitations cannot be ignored,

¹ EA, page 6.

and that “using condition information” is defined by Claim 26 as “information indicating usage rules corresponding to the content data.”

B. CONVERSION OF DATA OBJECTS DOES NOT MEET CLAIM
LIMITATIONS

Claim 26 recites, *inter alia*, “a converter configured to convert said first format of said using condition information into a second format, said second format being different from said first format.”

The Examiner takes the position that Benson et al. (U.S. Patent No. 5,845,281, hereinafter Benson) discloses a “data package,” which includes a data object along with a set of control data.² It appears that the Examiner equates the “control data” of Benson to the claimed “using condition information.”

Benson discloses the conversion of data objects, and not the conversion of “data packages.” The Examiner ignores the teachings in Benson of how the data package is created, and at which point in the process format modules are applied. As explained below, Benson does not disclose or suggest that the control data is converted to a second format.

Benson very clearly states “the format modules 306 comprise program code, which is required to handle the **data objects** in their native formats” (emphasis added).³ The format modules are used to convert the format of the data object into a format required by content providers, such as from BMP files to GIF files.⁴ Format modules clearly act on the “data objects,” which are different from the “control data” and “data package.”

As explained in col. 8 of Benson, and shown in Fig. 4 of Benson, format modules 306 act only on the data objects, and not on the control data. This is supported by Fig. 4 of Benson, which shows steps 408 and 409 (“need data conversion?” and “convert **data object**

² EA, page 6.

³ Benson, col. 6, lines 40-41.

⁴ Benson, col. 6, lines 40-43, col. 7, lines 58-59, and col. 8, lines 12-14.

file format," respectively) before step 414, which concatenates usage data file and data object file. The data conversion in steps 408 and 409 occurs only on the data object, before the data object is concatenated with usage data. Thus, using condition information or control data is not subject to data conversion by format modules 306.

Furthermore, Benson states "The packaging module 303 then applies any format and security modules 306, 307 specified in the header file, steps 408-413, to the data object. Next, the packaging module 303 concatenates the usage data file and the data object and stores the result as a temporary file, step 414" (emphasis added).⁵ Thus, the usage data file is concatenated to the data object, after the file type of the data object is converted.

Furthermore, the header file is not yet combined with the data object. Benson discloses that the header file is not added until the final step, which occurs after the format modules are used to convert the format of the data object. Benson states "Finally, the packaging module 303 concatenates the header file and the encrypted temporary file and saves the result as a single file, step 416. This final file is the data package which may now be distributed by file transfer over a network...."⁶

Although the final "data package" of Benson contains content and usage control information, the "data package" is assembled in steps, and conversion of the data objects occurs before the data object is concatenated with the usage data file or the header file.

In the EA, the Examiner states "the format module comprises a program code which corresponds to the converter that converts data object in their native format, in other words if the data package received in different format the program code will convert the data to it's native format" (emphasis added).⁷ However, the Examiner provides no explanation as to why he can exchange "data object" for "data package." As explained above, "data object"

⁵ Benson, col. 8, lines 12-16.

⁶ Benson, col. 8, lines 21-25.

⁷ EA, page 7.

and "data package" are different things. Thus, the disclosure of converting format of the data object does not mean that the format of the data package is converted.

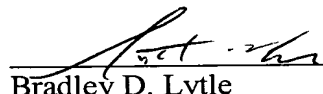
Therefore, the conversion of data objects does not equate to the claimed "a converter configured to convert said first format of said using condition information into a second format, said second format being different from the first format."

C. CONCLUSION

In light of the above-noted errors, the reversal of all applied grounds of rejection is respectfully submitted to be in order and respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Joseph Wrkich
Registration No. 53,796

I:\ATTY\JW\209466US\209466US_REPLY BRIEF.DOC

Scott A. McKeown
Registration No. 42,866